

108TH CONGRESS
2D SESSION

H. R. 4170

To authorize the Secretary of the Interior to recruit volunteers to assist with, or facilitate, the activities of various agencies and offices of the Department of the Interior.

IN THE HOUSE OF REPRESENTATIVES

APRIL 20, 2004

Mr. POMBO (by request) introduced the following bill; which was referred to the Committee on Resources

A BILL

To authorize the Secretary of the Interior to recruit volunteers to assist with, or facilitate, the activities of various agencies and offices of the Department of the Interior.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Department of the In-
5 terior Volunteer Recruitment Act of 2004”.

6 **SEC. 2. FINDINGS AND PURPOSE.**

7 (a) FINDINGS.—The Congress finds the following:

8 (1) A commitment to serve our neighbors and
9 our Nation is an essential part of the character of

1 the people of the United States. We have always be-
2 lieved in an ethic of citizenship that includes helping
3 those in need and promoting the common good. We
4 know this makes the United States stronger and the
5 world better.

6 (2) President George W. Bush has called on all
7 Americans to serve their country for the equivalent
8 of two years, or 4,000 hours, over a lifetime. This
9 is a profound individual commitment and a worthy
10 national goal.

11 (3) The tragic events of September 11, 2001,
12 reminded the people of the United States that, as
13 citizens, we bear essential obligations to each other,
14 to our country, and to history.

15 (4) The Department of the Interior has agen-
16 cies with vibrant volunteer programs, such as the
17 National Park Service, the United States Fish and
18 Wildlife Service, and the Bureau of Land Manage-
19 ment. However, there are a number of agencies and
20 offices that have no authority or incomplete author-
21 ity to recruit and use volunteers.

22 (b) PURPOSE.—The purpose of this Act is to author-
23 ize the Secretary of the Interior to recruit and use volun-
24 teers to assist with, or facilitate, the programs of the Bu-
25 reau of Indian Affairs, the Office of Surface Mining, Rec-

1 lamation and Enforcement, the Minerals Management
2 Service, the United States Geological Survey, the Bureau
3 of Reclamation, the Office of the Solicitor, and the Office
4 of the Secretary.

5 **SEC. 3. VOLUNTEER AUTHORITY.**

6 (a) IN GENERAL.—The Secretary of the Interior may
7 recruit, train, and accept, without regard to the civil serv-
8 ice classification laws, rules, or regulations, the services
9 of individuals, contributed without compensation as volun-
10 teers, for aiding in or facilitating the activities adminis-
11 tered by the Secretary through the Bureau of Indian Af-
12 fairs, the Office of Surface Mining Reclamation and En-
13 forcement, the Minerals Management Service, the United
14 States Geological Survey, the Bureau of Reclamation, the
15 Office of the Solicitor, and the Office of the Secretary.

16 (b) RESTRICTIONS ON ACTIVITIES OF VOLUN-
17 TEERS.—

18 (1) IN GENERAL.—In accepting such services of
19 individuals as volunteers, the Secretary shall not
20 permit the use of volunteers in law enforcement
21 work, in regulatory and enforcement work, in policy-
22 making processes, or to displace any employee.

23 (2) PRIVATE PROPERTY.—No volunteer services
24 authorized by this Act may be conducted on private
25 property unless the officer or employee charged with

1 supervising the volunteer obtains appropriate con-
2 sent to enter the property from the property owner.

3 (3) HAZARDOUS DUTY.—The Secretary may ac-
4 cept the services of individuals in hazardous duty
5 only upon a determination by the Secretary that
6 such individuals are skilled in performing hazardous
7 duty activities.

8 (4) SUPERVISION.—The Secretary shall ensure
9 that an appropriate officer or employee of the
10 United States provides adequate and appropriate su-
11 pervision of each volunteer whose services the Sec-
12 retary accepts.

13 (c) PROVISION OF SERVICES AND COSTS.—The Sec-
14 retary may provide for services and costs incidental to the
15 utilization of volunteers, including transportation, sup-
16 plies, uniforms, lodging, subsistence (without regard to
17 place of residence), recruiting, training, supervision, and
18 awards and recognition (including nominal cash awards).

19 (d) FEDERAL EMPLOYMENT STATUS OF VOLUN-
20 TEERS.—

21 (1) Except as otherwise provided in this sub-
22 section, a volunteer shall not be deemed a Federal
23 employee and shall not be subject to the provisions
24 of law relating to Federal employment, including
25 those provisions relating to hours of work, rates of

1 compensation, leave, unemployment compensation,
2 and Federal employee benefits.

3 (2) Volunteers shall be deemed employees of the
4 United States for the purposes of—

5 (A) the tort claims provisions of title 28,
6 United States Code;

7 (B) subchapter I of chapter 81 of title 5,
8 United States Code; and

9 (C) claims relating to damage to, or loss
10 of, personal property of a volunteer incident to
11 volunteer service, in which case the provisions
12 of section 3721 of title 31, United States Code,
13 shall apply.

14 (3) Volunteers under this Act will be subject to
15 chapter 11 of title 18, United States Code, unless
16 the Secretary, with the concurrence of the Director
17 of the Office of Government Ethics, determines in
18 writing published in the Federal Register that the
19 provisions of that chapter, except section 201, will
20 not apply to the actions of a class or classes of vol-
21 unteers who carry out only those duties or functions
22 specified in the determination.

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